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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,759	07/01/2003	David Kays	3730	5909
7590	09/21/2006		EXAMINER	
Albert S. Michalik Law Offices of Albert S. Michalik, PLLC Suite 193 704 -228th Avenue NE Sammamish, WA 98074			HUYNH, THU V	
			ART UNIT	PAPER NUMBER
			2178	
DATE MAILED: 09/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/612,759	KAYS ET AL.
	Examiner	Art Unit
	Thu V. Huynh	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 June 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4,10-12 and 16-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,10-12 and 16-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed on 06/20/06 to application filed on 07/01/03.
2. Claims 1-4, 10-12, 16 and 18 are currently amended. Claims 5-9 and 13-15 are currently canceled.
3. Claims 1-4, 10-12, 16-18 are pending in the case. Claims 1, 13 and 16 are independent claims.
4. The objections of claims 1, 3-4, 7 and 9-11 are objected to because of informalities, have been withdrawn as necessitated in view of the amendment.
5. The rejections of claims 1-10 are 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, have been withdrawn as necessitated in view of the amendment.

### *Specification*

6. The description portion of this application contains a computer program listing consisting of more than three hundred (300) lines. In accordance with 37 CFR 1.96(c), a computer program listing of more than three hundred lines must be submitted as a computer program listing appendix on compact disc conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(b)(5)). Accordingly, applicant is required to cancel the computer program listing appearing in appendix, file a computer program listing appendix on compact disc in

compliance with 37 CFR 1.96(c) and insert an appropriate reference to the newly added computer program listing appendix on compact disc at the beginning of the specification.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 12 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Regarding claims 12 and 18, these claims recite the limitation "tangible computer-readable medium". However, the term "tangible" is not defined in the specification. The specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention (see specification page 14, line 10 – page 15, line 15). Nowhere in the specification defines what is tangible computer readable media or intangible computer readable media.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**10. Claims 12 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Regarding claims 12 and 18,** these claims recite the limitation “tangible computer-readable medium” renders these claims vague and indefinite, since the term “tangible” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention (see specification page 14, line 10 – page 15, line 15). Therefore it is not clear what the meets and bounds of “tangible” in the context of claims 12 and 18.

***Claim Rejections - 35 USC § 101***

**11. 35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**12. Claims 12 and 18 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**Regarding claims 12 and 18,** these claims are not limited to statutory embodiments. In view of Applicant's disclosure, specification page 14, line 10 – page 15, line 15, the media is not limited to statutory embodiments, instead being defined as including both statutory embodiments (e.g., “RAM, ROM, EEPROM, flash memory”) and non-statutory embodiments (e.g., “program modules or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media”). As such, the claims are not limited to statutory subject matter and are therefore non-statutory (See “Interim Guidelines for

Examination of Patent Applications for Patent Subject Matter Eligibility”, pages 54-57, signed 10/26/05).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. **Claims 1, 3-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prabakaran et al., US 2002/0178249 A1, filed 03/02 in view of Beadles et al., US 2003/0154404 A1, filed 08/02.**

**Regarding independent claim 1,** Prabakaran teaches the steps of:

- collecting settings from a first group policy object applied to a first scope of management (Prabakaran, figure 1; [0024], [0040]-[0043]; [0046]; [0051]; collecting contents/settings of a policy for a domain/site or organizational unit (OU) to including in a generated a report);
- collecting settings from a second group policy object applied to a second scope of management (Prabakaran, figure 1; [0024], [0040]-[0043]; [0046]; [0051]; collecting

contents/settings of another policy for another domain/site or organizational unit (OU) to including in the report);

- combining the settings into at least one markup language document (Prabakaran, [0024], [0040]-[0043]; in order to generating the report in markup language document, the contents of the policies must be combined);
- displaying a report created from the markup language document (Prabakaran, [0024], [0040]-[0043]; “information about the contents of policies are displayed”); and
- wherein only settings from configured setting are included in the displayed report (Prabakaran, [0024], [0040]-[0043]; only contents from selected policies are included in the report).

Prabakaran does not explicitly disclose combining the settings into the markup language document *according to a predefined schema*.

Beadles teaches predefined schema is used to generating policy document (Beadles, [0054], [0103], [0109], [0111]; using XML device schema to generate XML policy document for each device).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Peadles’ teaching and Prabakaran’s teaching to provide a schema, since the combination would have provided a combination policy document in markup language according to the schema.

**Regarding claim 3,** which is dependent on claim 1, referring to the rationale relied to rejection of claim 1, the limitation of “the first scope of management and the second of

management further comprise one of the following: a site, a domain, and organization unit” is included. The rationale is incorporated herein.

**Regarding claim 4**, which is dependent on claim 3, Prabakaran teaches combining the settings into at least one markup language document comprises generating an HTML-formatted document and the displaying a report further comprises displaying the HTML-formatted document (Prabakaran, [0034], [0040], [0041], [0043], generating and displaying the report in HTML format).

**Regarding claim 12**, which is dependent on claim 1, claim 12 is for a computer-readable medium having computer executable instruction for performing the method of claim 1 (Prabakaran, [0006], [0024], software application includes instructions stored on a computer-readable media in order to performing the method of claim 1).

15. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prabakaran in view of Beadles as applied to claim 1 above and further in view of Dennis et al., US 6,466,932 B1, filed 03/99 and Sanghvi et al., US 2002/0095524 A1, filed 06/01.**

**Regarding claim 2**, which is dependent on claim 1, Prabakaran does not teach a first setting from the first group policy object conflicts with a second setting from the second group policy object, the method further comprising resolving the conflict to determine whether the first setting or the second setting is a prevailing setting and identifying the prevailing setting in the displayed report.

Dennis teaches

- resolving the conflict to determine whether the first setting or the second setting is a prevailing setting (Dennis, col.2, lines 20-26; resolving conflicts such that the strongest settings overwrite weaker settings).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Dennis' teaching into Prabakaran's teaching to resolve the conflicts between settings, since the combination would have provided a desired policy as Dennis disclosed as well as provided a report with the desired setting as Prabakaran disclosed.

Sanghvi teaches resolved conflict resolution is reported (Sanghvi, [0049]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Sanghvi's teaching into Dennis' and Prabakaran's teaching, since the combination would have provided the solution or overwrite settings of the resolved conflict in the report for the user.

16. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prabakaran in view of Beadles as applied to claim 1 above and further in view of Sanghvi et al., US 2002/0095524 A1, filed 06/01.**

**Regarding claim 2,** which is dependent on claim 1, Prabakaran does not teach a first setting from the first group policy object conflicts with a second setting from the second group policy object, the method further comprising resolving the conflict to determine whether the first setting or the second setting is a prevailing setting and identifying the prevailing setting in the displayed report.

Sanghvi teaches resolving the conflict to determine whether the first setting or the second setting is a prevailing setting and resolved conflict resolution is reported (Sanghvi, [0049]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Sanghvi's teaching and Prabakaran's teaching, since the combination would have resolved conflicts of policies as well as provided the solution or revised settings of the resolved conflict in the report for the user.

17. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prabakaran in view of Beadles as applied to claim 1 above and further in view of Boehme et al., US 6,578,192 B1, filed 10/99.**

Regarding claim 10, which is dependent on claim 1, Prabakaran does not explicitly teach serializing settings data into an XML-formatted document.

Boehme teaches passing HTML/XML document into serializer 209 to generate XML/HTML document and delivery the generated document to a client (Boehme, fig.2, col.5, lines 19-60)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Boehme's teaching into Prabakaran teaching to serialize the settings data, since the combination would have generated the report in different formats, such as XML or HTML representation.

18. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Prabakaran, Beadles and futher in view of Boehme as applied to claim 10 above, and further in view of Knight et al., US 2004/0083453 A1, filed 06/16/03.**

Regarding claim 11, which is dependent on claim 10, the combination of Prabakaran and Boehme teaches XML serializer serializes the HTML document about settings data to generate an XML report about the settings data as explained above. However, the combination does not explicitly teach serializing the settings data comprises *providing an XML schema* to an XML serializer component.

Knight teaches a serialized XML document is conformed to corresponding XML schema which defines a hierarchy of elements for displaying an XML document, such as weekly shipments document (Knight, figures 3, 6A, 6B; [0071]-[0073]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Knight's teaching into Boehme's teaching to provide the XML schema and settings data to Boehme's XML serializer, since the combination would have produced an XML report conforms with an XML schema which defines a hierarchy of elements for displaying an XML report document.

**19. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beadles et al., US 2003/0154404 A1, filed 08/02, in view of Prabakaran et al., US 2002/0178249 A1, filed 03/02.**

Regarding independent claim 16, Beadles teaches the steps of:

- providing a schema that describes group policy object settings (Beadles, [0054]; [0062]-[0064], [0109]; providing many types of XML schemas, such as XML device

schema, VPN policy rule schema, wherein XML device schema describes different policies for different devices, so that XML policy document (“new device-level XML document”) is generated for each device as defined by the XML device schema. It is noted that an XML schema describes policies is also specified in [0054], for examples, an XML schema describes “IP service policy, including managed device policy, IPS EC policy, … and policy for all other managed IP services”); and

- applying the schema to output a formatted version of the group policy object settings (Beadles, [0054], [0103], [0109], [0111]; using XML device schema to generate XML policy document for each device).

However, Beadles does not explicitly disclose resultant set of policy settings that identifies configured settings and omits non-configured settings.

Prabakaran teaches resultant set of policy settings that identifies configured settings and omits non-configured settings (Prabakaran, [0051], [0053], [0055]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Prabakaran’s teaching into Beadles’ teaching to describe resultant set of policy settings in a schema, since the combination would have provided XML policy document for each device based on group policy object settings as well as resultant set of policy settings.

**Regarding claim 17,** which is dependent on claim 16, refer to the rationale relied to reject claim 16, the limitation of “the schema comprises an XML schema” is addressed. The rationale is incorporated herein.

**Regarding dependent claim 18,** claim 18 is for a computer-readable medium having computer-executable instruction (Beadles, [0041], [0046]-[0047]; system includes modules in layers for performing the method of claim 16) for performing the method of claim 16, and is rejected under the same rationale. The rationale is incorporated herein.

***Response to Arguments***

20. Applicant's arguments with respect to claims 1-4, 10-12, 16-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue with respect to claims that 1-4, 10-12 Prabakaran does not anticipate each every element recited in claim 1.

Examiner agrees. However, the combination of Prabakaran and Beadles teaches limitations of claim 1 as explained above.

Applicants argue with respect to claims 16-18 that Prabakaran and Beadles does not teach the step of “providing a schema that describes resultant set of policy settings” and “applying the schema to output a formatted version of the resultant set of policy settings that identifies configured settings and omits non-configured settings” without providing any reason.

Examiner respectively disagrees. Prabakaran and Beadles teaches such limitation as explained in the rejection above.

***Conclusion***

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21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mastrianni et al., US 2004/0107274 A1, filed 12/02, teaches policy-based connectivity.

Gatto et al., US 2006/0122937 A1, provisional filed 03/03, teaches method for submitting gamming machine source code.

Mishra et al., US 6,389,589 B1, filed 09/98, teaches class store schema.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

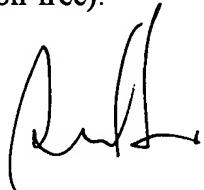
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V. Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH  
September 12, 2006



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER